

AMENDMENTS TO THE DRAWINGS

The attached Replacement Sheets of drawings include changes to Figs. 15 and 30. These sheets replace the original sheets including Figs. 15 and 30. The attached Annotated Sheets show the changes being made to Figs. 15 and 30. As will be evident upon review of the Annotated Sheets, the corrections to Figs. 15 and 30 are editorial in nature and do not add any new matter to the present application.

Attachments: Replacement sheets
 Annotated sheets showing changes

REMARKS

Claims 48-53 are pending in the present application. Claims 48, 50, 51, and 53 have been amended. Claims 48 and 51 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

Rejection Under 35 U.S.C. § 103

Claims 48-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boon (US 5,767,911)¹ in view of Etoh (US 5,768,438). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that Boon and Etoh, when taken separately or in obvious combination, fail to teach or suggest every claimed feature.

Independent claims 48 and 51 recite that the plurality of deformation methods are alternatively applied, meaning they are applied as alternatives to (i.e., to the exclusion of) one another. As such, claims 48 and 51 require that the prediction picture generating section/step utilize the indication information to identify the one of the plurality of deformation methods to be performed to the exclusion of the other(s) in generating the prediction picture.

In the rejection, the Examiner acknowledges that “Boon does not particularly teach identifying one of the deformation methods based on the indication information as claimed.” However, the Examiner further asserts that “Etoh teaches identifying one of the deformation methods (305 of fig. 11...) based on the indication information (304 of fig. 11, Deformation Parameter...which is expressed by the affine transformation and the block movement...)” See Office Action of 08/10/2009 at page 3.

¹ Please note, the opening paragraph of the § 103 rejection in page 2 of the Office Action lists “Haskell et al. (US 6,704,360)” as being applied in combination with Etoh. However, this clearly is a typographical error, given that the subsequent sections of the rejection and the PTO-892 cite to Boon, rather than Haskell.

As best understood by Applicants, the Examiner is taking the position that Etoh's invention identifies both transformation and block translational movement as deformation methods based on the deformation parameter, since the deformation parameter is composed of both an affine transformation parameter and a translational movement parameter (see col. 23, lines 9-12 and 33-36).

Even assuming *arguendo* that it is proper for the Examiner to interpret Etoh as identifying deformation methods (affine transformation and translational movement) based on indication information (affine transformation parameter and block movement component), Etoh would still fail to teach or suggest the aforementioned claim features. Particularly, neither the affine transformation parameter nor the block movement component in Etoh indicates that the corresponding deformation method is to be applied to the exclusion of the other, as required of the claimed identification information. In fact, Etoh expressly contemplates inserting both the affine transformation parameter and the block movement component into the deformation parameter, thereby indicating that both deformation methods of affine transformation and block translational movement are to be performed (see col. 23, lines 37-58).

As such, Etoh's "indication information" is not intended to represent, or otherwise indicate, the one of a plurality of deformation methods which is to be applied to the exclusion of the others as required by the claims 48 and 51.

Furthermore, as acknowledged by the Examiner, Boon does not teach or suggest using indication information to identify one of a plurality of alternatively applied deformation methods. Accordingly, Boon and Etoh, taken separately or in obvious combination, fail to teach or suggest the claimed feature of identifying one of the selectively applied deformation methods, based on the indication information, to be performed to the exclusion of at least one other selectively applied deformation method in generating the prediction picture.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 48 and 51 are in condition for allowance. Accordingly, claims 49, 50, 52, and 53 are

allowable at least by virtue of their dependency on an allowable independent claim. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

Entry of this Amendment After Final is respectfully requested in that the claim amendments do not raise any new issues requiring further search and/or consideration. Instead, it will only take a cursory review by the Examiner to determine that such amendments merely reflect Applicants' intended meaning of the claims when read in light of the specification.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

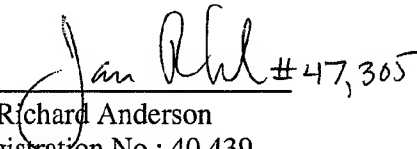
Application No. 10/642,508
Amendment dated November 4, 2009
After Final Office Action of August 10, 2009

Docket No.: 2565-0273P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Attachments